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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,834	11/16/2001	Joseph Wilkinson III	Wilkinson-3	3040

7590 01/29/2003

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,834

Applicant(s)

WILKINSON, JOSEPH

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,8,11,14,16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,9,10,12,13,15 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

This is the first office action for application number 09/990,834, Pipe Shoe and Method, filed on November 16, 2001.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "26" has been used to designate both a weld and a centerline. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "14" in Fig. 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 7, 14, and 17-20 are objected to because of the following informalities: in claims 7, 14, and 20, line 2 "of" should be deleted; and currently claims 17-20 depend directly or indirectly from dependent claim 15, however, based on the subject matter of the claims, the examiner assumes that the applicant intends for the claims 17-20 to depend from independent claim 16, and thus, has examined the claims as being

dependent from claim 16. If this assumption is correct, the applicant needs to correct the dependency of the above-mentioned claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 8, 11, 14, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,020,531 to Ahrens et al., hereinafter, Ahrens. Ahrens discloses a pipe shoe for supporting a pipe from a structural support, the pipe shoe comprising: a generally horizontal base plate (20) capable of sliding engagement with a structural support; a left-side support plate (3) and a right-side support plate (3) each affixed to and extending generally upward from the base plate, the right-side support plate including a right side support plate port; a curved lower plate (5) affixed to and supported on both the left side support plate and the right-side support plate, the curved lower plate being configured for supporting the pipe; a curved upper plate (8) including a left-side lower end and a right-side lower end for positing about the pipe; an attachment mechanism (10) for securing the right-side lower end of the upper plate to the right-side support plate, the attachment mechanism including a right-bolt passing through a hole (15, 16) in the right-side lower end of the upper plate and the right-side support plate port, at least one of the right-side hole and the right-side port

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being oversized with respect to the right-size bolt to permit the right-side bolt to pass through the hole and the port, and the curved upper plate is pulled toward the base plate to place the right-side bolt in both tension and shear when the right-side bolt is tightened; wherein the right-side support plate is angled with respect to a plane perpendicular to the plane of the base plate; a left-side support plate port, a left-side bolt, and a left-side support plate hole in the left-side lower end of the upper plate; wherein the curved lower plate is configured for planar engagement with the pipe along a circumferential length from 90 to 160 degrees; and wherein each of the curved lower plate and curved upper plate have an arcuate interior surface with a radius substantially conforming to an exterior surface of the pipe.

The steps in the claimed method of claims 16-18 and 20 are deemed to be anticipated by the functions of the structure of the apparatus discussed above.

Allowable Subject Matter

Claims 3, 4, 6, 9, 10, 12, 13, 15, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,425,033 to Fletcher

U.S. Patent 2,550,001 to Button

U.S. Patent 3,227,406 to Shelton et al.

U.S. Patent 4,738,030 to Buerhop

U.S. Patent 4,951,902 to Hardtke

U.S. Patent 5,215,281 to Sherman

U.S. Patent 5,961,248 to Tourtellotte

U.S. Patent 6,234,541 to Wagner et al.

The above patents all disclose various types of clamping structures for cylindrical objects such as pipes or tubes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3597 for regular communications and (703) 308-3519 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Anita M. King
Primary Examiner
Art Unit 3632

January 23, 2003
